

network, is offering up to 30 Mbps downstream and 5 Mbps upstream along with a separate wavelength to deliver more video than that provided by Verizon's cable TV competitor.<sup>4</sup> These transmission speeds are 30 times faster than the DSL offering on FTTC. Verizon's offering conforms to international standards for the deployment of FTTH.

Our position is to give BellSouth the regulatory relief it is seeking only if it offers for sale the same capability that can be offered on a FTTH network is supported by the High Tech Broadband Coalition ("HTBC"), the group upon which you relied in making your original decision in the TRO. In its comments on BellSouth's petition, the HTBC recommended to the Commission that FTTC should be given the same deregulation relief as FTTH only where the loop:

"... (1) consists of fiber to a serving terminal, at which the fiber connects to a service drop length of not more than five hundred feet to a mass market end user's premises, and (2) provides transmission capability to deliver voice, multi-channel video and data services that meets or exceeds the transmission capability specified in an ITU-approved or other well-established standard used for fiber-to-the-home..."<sup>5</sup>

The HTBC notes in its comments, that "...this language grants relief only to those FTTC loops where media and electronics have been deployed to deliver transmission capability equivalent to that specified in a well-established standard used for FTTC loops."<sup>6</sup>

The HTBC position should also be adopted to avoid deregulation of BellSouth's FTTC just to provide voice service. By its own admission, BellSouth has said that it has one million FTTC customers and only offers video service to 200,000 customers.<sup>7</sup> This means, of course, that BellSouth is only providing voice service to many, if not most, of its FTTC customers. Therefore, if you grant BellSouth the relief it is seeking without a requirement to offer a service capability equal to that offered on FTTH, BellSouth will get relief from unbundling for providing narrowband voice service, an outcome that the FCC did not contemplate in the TRO.

We support the HTBC's recommendation and strongly urge you to include this in the pending decision.

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<sup>4</sup> See Letter from Thomas J. Tauke, Executive Vice President, Verizon, September 2, 2004, *Verizon Petition for Forbearance, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, p. 2.

<sup>5</sup> See Comments of the High Tech Broadband Coalition on Petition for Clarification and/or Partial Reconsideration ("HTBC Comments"), BellSouth Petition for Clarification and/or Partial Reconsideration, CC Docket Nos. 01-338, 96-98, and 96-98 (filed Oct 2, 2003) ("BellSouth Petition") p. 10.

<sup>6</sup> Id.

<sup>7</sup> See Letter from Glenn T. Reynolds, Vice President, BellSouth, December 16, 2003, *Ex Parte*, CC Docket No. 01-338.